

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-159-S - ORDER NO. 2013-591

AUGUST 8, 2013

IN RE:	Application of JACABB Utilities, LLC to)	ORDER APPROVING
	Request the Approval of Agreement with)	AGREEMENT
	Blair Mills, LLC and to Establish Sewer)	
	Rates and Charges for a Pretreatment Facility)	
	in Anderson County, South Carolina)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application for approval of an Agreement between JACABB Utilities, LLC (“JACABB” or “the Company”) and Blair Mills, LLC, which establishes rates and charges for a pretreatment facility in Anderson County. (The Agreement and Rate Schedule are attached hereto as Order Exhibit No. 1.)

The Application was filed pursuant 10 S.C. Code Ann. Regs. 103-541 (Supp. 2012). According to the Application, the Company intends to use the pretreatment facility, to be known as the Blue Meadows Wastewater Pretreatment Facility (“BMWPF”), to accept, treat and/or process leachate from landfills, biosolids from small package plants, septic tank waste, and other commercial/industrial wastewater as opportunities arise and as approved by the South Carolina Department of Health and Environmental Control. This will be on a case-by-case basis, pursuant to all of the terms, conditions, rates, and charges set forth in the proposed rate schedule, upon Commission approval.

The Application states that the Agreement and schedule of rates and charges will not affect current customers. The proposed facility will be located at 130 Blair Mill Road in Belton, South Carolina. All wastewater will be transported to the facility via rail or vehicle.

The Clerk's Office instructed the Company to publish a Notice of Filing in a newspaper of general circulation. The Notice contained a description of the proposed Agreement and the proposed rates and charges. No Petitions to Intervene or Protests were received after publication of the Notice of Filing.

The Office of Regulatory Staff ("ORS") has indicated that it does not oppose the Application. ORS notes that prospective customers of the facility will be those desiring to utilize the Company's service, and will be based on process availability, cost, and the Company's willingness to serve. Because of the unique circumstances of this case, JACABB requests that no hearing be held in this matter.

This Commission has examined the totality of the circumstances regarding this Application, and agrees the Application reflects unique circumstances. The bulk of our wastewater treatment rate cases involve treatment after receipt of the wastewater by pipe. In this case, the wastewater will be transported to the pretreatment plant by rail or vehicle. Further, it is clear that the prospective customers of the services rendered will be only those desiring to utilize those services. Accordingly, we agree that the hearing in this matter should be waived, and that the Motion made in the agenda session for approval removes the need for a hearing in this Docket.

We have also examined the Agreement, with the attached proposed rates and charges, and we approve them. We believe that the proposed rates and charges are just and reasonable, and that it is in the public interest to approve the Agreement. The pretreatment plant, also known as BMWPF, will offer unique services. Accordingly, the Agreement and the proposed rates and charges shown in Order Exhibit No. 1 are hereby approved. The rates and charges will be effective upon the Company's receipt of this Order.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:



Nikiya Hall, Vice Chairman

(SEAL)

WHEREAS, Blair Mills, LLC, hereinafter referred to as Grantor, has of even date herewith conveyed unto JACABB Utilities, LLC, hereinafter referred to as Grantee, 7.64 acres, more or less, shown as Tract 2 on a plat by Survey & Mapping Control, Inc., dated April 24, 2012, of record in the Office of Register of Deeds for Anderson County, South Carolina, in/on Plate Slide S 1956 at Page 4;

WHEREAS, the tract conveyed has groundwater contamination from an unknown source as a result of the operation of the textile mill; and

WHEREAS, the Grantor has obligations required by DHEC due to said ground water contamination, including monitoring wells.

Based upon the mutual covenants and promises between the parties and for other valuable consideration, the parties agree as follows:

1.) The Grantor is solely responsible for all environmental conditions that existed on the date of transfer of legal title, and Grantor is responsible and required to make any corrective action required by law for environmental conditions caused by its operations and existing on the date of the transfer of legal title.

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conditions that occur after the date of transfer of legal title and caused by its operations and will be responsible to take any corrective action required by law for environmental conditions caused by its operations after the date of the transfer of legal title.

3.) The Grantor is obligated and required to comply with past permitting requirements or past actions not fulfilled prior to the date of transfer of legal title, and the Grantee will be responsible for future permitting requirements after the date of transfer of legal title.

IN THE PRESENCE OF:

BLAIR MILLS, LLC

Paul Davis
Sheila J. Lindsey
Witnesses as to Blair
Mills, LLC

BY: Wilbur M. Rice
Wilbur M. Rice
ITS: Member

JACABB UTILITIES, LLC

Paul Davis
Sheila J. Lindsey
Witnesses as to Seller
JACABB Utilities, LLC

BY: Stephen R. Goldie
Stephen R. Goldie
ITS: Member

Schedule of Rates and Charges
for
JACABB Utilities, LLC
For Hauled Waste at
Blue Meadows Wastewater Pretreatment Facility
Anderson County, South Carolina

1. Leachate \$100.00 per 1,000 gallons
2. Residential septic tank waste \$150.00 per 1,000 gallons
3. Commercial/Industrial wastewater \$100.00 per 1,000 gallons
4. Biosolids from domestic wastewater treatment plants \$140.00 per 1000 gallons
 - Biosolids from JACABB Utilities facilities will be given a 28% discount.
 - A 10% cost reduction will be offered for a customer that ships 100,000 gallons or more of wastewater characterized as the same type of wastewater within a 30-day period.
 - Analysis will be required at least once per quarter and will be conducted at the customer's expense unless the source is from a JACABB Utilities owned facility. Notice of any analysis required will be given to the prospective customer before any waste is received. All analysis required must be conducted by a South Carolina certified laboratory unless an exception is granted by JACABB Utilities.
 - When the quarterly wastewater analyses exceed the established surcharge thresholds listed below, then a customer will be charged surcharges to cover the cost incurred to treat higher strength wastewater. Surcharge thresholds are as follows:
 - Biochemical Oxygen Demand (BOD) - \$0.40 per pound over 500 milligrams per liter (mg/l)
 - Chemical Oxygen Demand (COD) - \$0.40 per pound over 1000 milligram per liter (mg/l)
 - Total Suspended Solids (TSS) - \$0.40 per pound over 500 milligram per liter (mg/l)

Customers will not be charged for both BOD and COD. They will incur the higher of the two parameter charges.

Any surcharges will be billed separately. Shipments will not be accepted if surcharges have not been paid.

5. Annual License Fee

\$100.00 per year

Hauled waste haulers, including digested sludge, septage, commercial, industrial, and leachate wastewater, shall register and receive a license from JACABB Utilities to be able to deliver same to JACABB Utilities Blue Meadows Facility. The hauler shall be licensed for the period January first through December thirty-first each year.